

REMARKS

Claims 1-111 are in this application. Claim 1, the sole independent claim, has been amended.

In paragraph 1 of the Office Action, claims 1-111 were rejected under 35 USC 101 as being directed to non-statutory subject matter.

Claim 1 is directed to a method for enabling an order to interact with at least one market process via actions taken by a trading process, wherein the at least one market process and the trading process are *software programs* operative on the same trading platform.

Software programs are statutory subject matter. Since claim 1 is directed to software programs, claim 1 is directed to statutory subject matter. Claims 2-111 depend from claim 1, and so therefore also are directed to statutory subject matter.

Withdrawal of the rejection of claims 1-111 under 35 USC 101 is requested.

In paragraph 2 of the Office Action, claims 1-111 were rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 6,278,982 (Korhammer) in view of U.S. Patent No. 6,285,989 (Shoham).

Claim 1 is directed to a method for enabling an order to interact with at least one market process. At the trading process, market discovery is automatically performed according to a discovery strategy selected from a plurality of discovery strategies by a user, and the order is automatically acted upon at the trading process according to an action strategy selected from a plurality of action strategies by the user. The at least one market process and the trading process are software programs operative on the same trading platform.

Shoham discloses programmable auction server (PAS) 140 that accepts multiple market protocols and executes them (column 5, lines 28-35). PAS 140 also accepts proxy bidder 508 from a user and executes proxy bidder 508, proxy bidder 508 being a script that bids on behalf of the user in one or more auctions running on PAS 140 (column 10, lines 50-54). As explained at column 14, lines 5-7,

The trader interacts with the system through the submission of a  
trade (either a Bid or a Query).

Fig. 7 of Shoham shows that the trader either processes a query (horizontal line to bubble) or processes a bid (vertical line to bubble).

At best, Shoham's proxy bidder 508 is a trading process that automatically acts upon an order. However, Shoham explicitly teaches away from its proxy bidder 508 also performing market discovery. Instead, Shoham teaches that a human trader performs market discovery then decides how to bid, possibly by proxy.

Korhammer shows a terminal that consolidates information from multiple electronic communication networks (ECNs) on a single terminal. At most, Korhammer teaches a system in which a trading process and a market process are operative on *different* trading platforms, rather than the same trading platform, as required by claim 1. Furthermore, Korhammer teaches that a human trader performs market discovery then decides how to bid, and the terminal decides where to route the bid (column 8, lines 28-46).

Each of Shoham and Korhammer fails to show or suggest that a trading process be responsible for both market discovery and bidding, as specifically recited in claim 1. Accordingly, there is no proper combination of the cited references that makes claim 1 obvious.

Claims 2-111, in depending from claim 1, incorporate all of its features, and so each of these claims is patentably distinguished from any proper combination of the cited references for the reasons discussed above.

Withdrawal of the rejection of claims 1-111 under 35 USC 103 is requested.

The Examiner is invited to contact the undersigned to discuss any issues pertaining to this application.

A Notice of Allowance is solicited.

Respectfully submitted,

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